

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 2**

APPLE INC.

Case No. 02-CA-295979

-and-

COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO

DECEMBER 21, 2022

**ANSWER TO AMENDMENT TO COMPLAINT**

Apple Inc., in accordance with the National Labor Relations Act (“Act”) and the applicable Rules and Regulations of the National Labor Relations Board (“NLRB”), formally submits its Answer to the Amendment to Complaint (“Complaint”) issued by the Regional Director of Region 2, on December 16, 2022. In this regard, and in Answer to the above-captioned unfair labor practice charge, Respondent reiterates its denial of any and all claimed violations of the Act.

1. On information and belief, Respondent admits that the charge in Case 02-CA-295979 was filed by the Union on May 18, 2022. Respondent admits the remaining allegations in Paragraph 1.

2. Respondent admits the allegations in Paragraph 2.

3(a). Respondent admits the allegations in Paragraph 3(a).

3(b). Respondent admits the allegations in Paragraph 3(b).

4. Respondent admits the allegations in Paragraph 4.

5. Respondent admits the allegations in Paragraph 5.

6. Respondent denies the portion of the allegation that (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) during all material times. Respondent avers that (b) (6), (b) (7)(C) transferred to another

location on (b) (6), (b) (7)(C), 2022. Respondent denies the portion of the allegation that (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C). Respondent avers that (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C). Respondent admits the remaining allegations in Paragraph 6.

7. Respondent denies the allegations in Paragraph 7.

8(a). Respondent admits the allegations in Paragraph 8(a).

8(b). Respondent denies the allegations in Paragraph 8(b).

8(c). Respondent denies the allegations in Paragraph 8(c).

9. Respondent denies the allegations in Paragraph 9.

10. Respondent denies the allegations in Paragraph 10.

### **AFFIRMATIVE DEFENSES**

1. Respondent alleges and takes the position that the Complaint does not state a claim upon which relief can be granted.

2. Respondent alleges and takes the position that the Complaint does not state facts sufficient to constitute any unfair labor practices or a violation of the Act.

3. Respondent alleges and takes the position that any actions taken by Respondent were taken for lawful, legitimate reasons and not in violation of the Act.

4. Respondent alleges and takes the position that the claims alleged, in whole and/or in part, are frivolous and without foundation in law or fact.

5. Respondent alleges and takes the position that, assuming arguendo, any allegation in the Complaint is found to violate the Act (which Respondent contends would be improper and legally baseless), such would still legally qualify as being a *de minimis* violation of the Act and does not warrant a finding of an unfair labor practice or the issuance of a remedial order.

6. Respondent reserves the right to assert any additional affirmative defenses it discovers during the course of these proceedings.

WHEREFORE, Respondent requests the Complaint be dismissed in its entirety.

Respectfully submitted,

/s/Jason R. Stanevich

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## **CERTIFICATE OF SERVICE**

A copy of the foregoing Answer to the Amendment to Complaint was served electronically upon Union Counsel and the National Labor Relations Board on December 21, 2022 as follows:

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/s/ Jason R. Stanevich  
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